

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

KAREEM J. HOWELL,

Plaintiff,

v.

W. SAMPLEY, et al.,

Defendants.

No. 2:20-CV-0755-DMC-P

**ORDER**

Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42 U.S.C. § 1983. Before the Court is Plaintiff motion for voluntary dismissal. ECF No. 18. The parties have not stipulated to voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(ii). Because the Defendants have filed an answer, voluntary dismissal without leave of Court under Federal Rule of Civil Procedure 41(a)(1)(A)(i) is unavailable. The Court, therefore, construes Plaintiff's motion as a motion for voluntary dismissal under Federal Rule of Civil Procedure 41(a)(2). Rule 41(a)(2) permits the Court to dismiss an action by request of a plaintiff, on terms the Court finds proper. Unless the Court orders otherwise, dismissal under Rule 41(a)(2) is without prejudice.

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1 Plaintiff moves to dismiss because of the ongoing COVID-19 pandemic and the  
2 backlog of litigation in the federal courts. ECF No. 18 at 1. Plaintiff contends that dismissal of  
3 this action (alongside several other actions in which he is the named plaintiff) will ease the  
4 Court's congestion. Id. at 2. He moves to dismiss his actions with prejudice. Id. Defendants have  
5 filed an answer (ECF No. 14), but no counterclaim that must be taken into consideration before  
6 the Court may dismiss an action on a plaintiff's voluntary request. See Fed. R. Civ. P. 41(a)(2).

7 The Court appreciates Plaintiff's concern for the Court's docket and the timely  
8 attention to litigants' cases. For good cause shown, the Court will grant Plaintiff's motion.  
9 Because dismissal will not prejudice Defendants, the Court dispenses with the typical time  
10 allotment for a response from Defendants. Cf. L.R. 230(1).

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. Plaintiff's motion for voluntary dismissal is **GRANTED**;
- 13 2. This case is dismissed with prejudice; and
- 14 3. The Clerk of the Court is directed to close this case.

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17 Dated: January 29, 2021

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19 DENNIS M. COTA  
20 UNITED STATES MAGISTRATE JUDGE  
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